IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1727 of 2005

Between:

Mr. M. Appa Rao, S/o. Sri M. Atchayya,
R/o. 26-32/1, Mallayapalem, Madhurawada, Visakhapatnam.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Mandal Revenue Officer, Visakhapatnam (Rural), Madhurawada, Visakhapatnam.
3 Visakhapatnam Urban Development Authority, Visakhaptnam, rep. by its Vicechairman.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ, order, direction more particularly in the nature of writ of Mandamus declaring the action of the respondents No.1 and 3 in trying to evict the petitioner from the land in Survey No.355/4 of Madhurwada Village, Visakhapatnam Rural Mandal that was assigned to the petitioner without following due process of law as highly arbitrary, illegal and contrary to principles of natural justice and equity.

Counsel for the Petitioner: MR.L.VENKATESHWAR RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following:

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ORDER:

The petitioner, is the holder of a 'D' form patta, which was cancelled by the Mandal Revenue Officer, vide proceedings Rc.No.99/2001A dated 22-11-2001. The petitioner states that he came to know about the said order only in the month of January, 2005 and immediately preferred an appeal before the Revenue Divisional Officer, Visakhapatnam, under Section 5(5) of the A.P. Rights in Land & Pattadar Pass Books Act. However, it is alleged that while the appeal is pending, the respondents are attempting to dispossess him forcibly. Hence, this writ petition seeking a declaration that the action of the respondents is arbitrary and illegal.

Having heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents and keeping in view that the Statutory Appeal preferred by the petitioner is pending before the Revenue Divisional Officer, Visakhapatnam, without expressing any opinion on merits of the case, the Writ Petition is disposed of with a direction to the respondents not to dispossess the petitioner from the land in question, till the disposal of the Appeal before the Revenue Divisional Officer, Visakhapatnam, if he is not already dispossessed. No order as to costs.

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G. ROHINI, J

Dated: 04-02-2005

LSK

NOTE: Issue order by wire

at party's cost.

To

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Mandal Revenue Officer, Visakhapatnam (Rural), Madhurawada, Visakhapatnam.
3 The Vice Chairman, Visakhapatnam Urban Development Authority, Visakhaptnam.

4 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

5 Two C.D. copies.